HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 5381(S/S)2001
(Old No. 22747 of 1995)

1. Jagmohan Singh Negi S/o Sri Yudhyvir Singh Negi,
   R/o village Kumola, P.O. Purola,
   Patti Kamal Sirai Tehsil Purola, Uttarkashi,
2. Shyam Das S/o Sri Bhajan Das,
   R/o Village Jhurrara, P.O. Pujoli Patti-Banal,
   Tehsil Barkot, Uttarkashi,
3. Bachan Singh Rana S/o Sri Kundan Singh Rana,
   R/o village Kanseroo, P.O. Sarkot, Patti Barkot,
   Tehsil Barkot, Uttarkashi
4. Prem Singh Rana S/o Sri Awval Singh Rana,
   R/o Patti- Gamari, Tehsil Dunda, Uttarkashi,
5. Atol Singh Bhandari S/o Sri Ranjeet Singh,
   R/o of village Pipal Khanda, P.O. Rauntal,
   Patti Gamari, Tehsil Dunda, Uttarkashi,
6. Trepan Singh Panwar S/o Sri Jabal Singh Panwar,
   R/o village Indra Tipari, P.O. Tipari,
   Patti- Visht, Tehsil Dunda, Uttarkashi,
7. Prem Lal S/o Sri Saunoo Lal,
   R/o village Patara (Jakhari), P.O. Patara,
   Patti – Bhandarsyun, Tehsil Dunda, Uttarkashi,
8. Dayal Singh Mahar S/o Sri Hari Singh Mahar,
   R/o village Jokhani, P.O. Diwari Khol,
   Patti- Visht, Tehsil Dunda, Uttarkashi,
9. Jagat Singh Rawat S/o Sri Nain Singh Rawat,
   R/o village Beef, P.O. Kharsali,
   Patti- Geeth, Tehsil Barkot, Uttarkashi,
10. Bheem Singh Chauhan S/o Sri Indra Singh Chauhan,
    R/o Village Garoli, P.O. Gadoli,
    Patti- Hatar, Tehsil Dunda, Uttarkashi,
11. Bharat Lal S/o Sheroo Lal,
    R/o village Andkhola (Tipari) P.O. Banchaura,
    Tehsil Dunda, Uttarkashi,
12. Bharat Singh Chauhan S/o Sri Bachan Singh Chauhan,
    R/o village & Post Patta,
    Patti- Barhat, Tehsil Bhatwari, Uttarkashi,
13. Bijendra Prasad Bhatta S/o Sri Ram Chandra Bhatt,
    R/o village Mando, Post Joshiyara,
    Patti- Baragaddi, Tehsil Bhatwari, Uttarkashi,
14. Lal Singh Negi S/o Sri Dhan Singh Negi,
    R/o village Dhungi, Post Singuni,

Patti- Dhanari, Tehsil Dunda, Uttarkashi,
15. Bachan Singh Rana S/o Sri Panchram Singh Rana,
R/o village Kishanpur, Post Manpur,
Patti- Baragaddi, Tehsil Bhatwari, Uttarkashi,
16. Chandra Mohan Singh S/o Sri Jot Singh Chauhan,
R/o village Barethi (Kharwan) Post Sald,
Patti- Bareali, Tehsil Dunda, Uttarkashi,
17. Narain Das S/o Sri Nag Das,
R/o village Dilsaur, Post Jishiyar,
Patti- Hargaddi, Tehsil Bhatwari, Uttarkashi,
18. Darshan Singh Negi S/o Sri Bhopal Singh Negi,
R/o village & Post Bonge,
Patti- Baragaddi, Tehsil Bhatwari, Uttarkashi,
19. Chandra Mohan Singh Panwar,
S/o Sri Bachan Singh Panwar,
R/o village Kyarak, Post Bhatwari,
Patti- Taknaur, Tehsil Bhatwari,
District Uttarkashi ---- Petitioners.

Vs.

1. State of Uttar Pradesh,
2. Addl. Director, Animal Husbandry Uttarakhand
At Gopeshwar, Chamoli (U.P.)
3. Chief Veterinary Officer,
Uttarkashi. ---- Respondents.

Sri Sudhanshu Dhulia, Sr. Advocate assisted by Ms. Pooja Banga, learned counsel for the petitioners,
Learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Ms. Pooja Banga, learned counsel for the petitioners and learned Standing Counsel for the State Uttaranchal/respondents.

2. This writ petition has been filed by the petitioners for the following reliefs:-

i. To issue a writ, order or direction in the nature of mandamus commanding the respondents not to remove the petitioners from the "SAND KENDRA" in

the Department of Animal Husbandry in District Uttarkashi and to immediately regularize their services and grant them their arrears of wages.

ii. Any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. Award the cost of the petition to the petitioner.

iv. To issue a writ, order or direction in the nature of certiorari to quash the orders dated 25.04.95 and 08.05.95 passed by respondent no. 2 & 3, respectively.

3. The respondents have filed counter affidavit. Para-2 and 8 of the counter affidavit read as follows:-

"4. That in reply to the contents of para-3 of the writ petition, it is stated that no person was forced by the Department to act as per the scheme of the aforesaid G.O. The petitioners were the choices of their Gram Pradhans concerned and they willingly undertook the voluntary work of keeping bulls along with their own cattle.

8. That the contents of para-7 of the writ petition are not admitted in the manner stated. After the creation of the State of Uttaranchal w.e.f. 09.11.2000, the Government took a policy decision to downsize and restructure the various departments, in view of the financial crunch that the newly born State was faces with. The State Government of Uttaranchal vide its G.O. No. 19(1)/V. Gra. Vi/Pashudhan/2001 dated 18.03.2001, has abolished the departmental natural breeding centers, which were being run by the erstwhile State Government of U.P. The copy of the said G.O. dated 18.03.2001 is annexed with the writ petition as Annexure no. C.A.-2."

4. It is evident from the aforesaid averments made in Para-2 and 8 of the counter affidavit that the petitioners were never

engaged in the Department, on the contrary they were paid a fixed honorarium on monthly basis under the scheme which has already been abolished lateron. Thus, the petitioners cannot be appointed on regular basis in the Department, as they were never engaged with respondents' establishment.

5. Keeping in view the aforesaid averments made in paragraph no. 4 & 8 of the counter affidavit, I do not find any merit in the writ petition. The petition lacks merit and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

June 8, 2006:
NCM: